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COMMITTEE ON
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Congress of the United States

House of Representatives

Washington, DC 20515-0705

February 3, 2010

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The Honorable Julius Genachowski, Chairman
Federal Communications Commission
445 12th Street SW
Washington, DC 20554

Re: *In the Matter of Preserving the Open Internet*, GN Docket No. 09-191; *Broadband Industry Practices*, WC Docket No. 07-52

Dear Chairman Genachowski,

I write in reference to the Notice of Proposed Rulemaking released by the Federal Communications Commission (FCC) on October 22, 2009 and your complimentary statement of the same day.

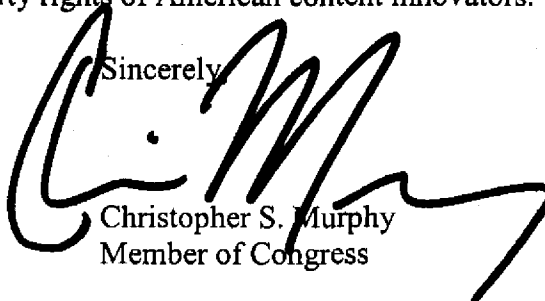
This proposed rule is critical to the future use and expansion of the internet. But as both government and private industry continue to invest in the growth and innovative capacity of the internet, it is imperative that the FCC's final rule ensures that an open internet is preserved for all those who wish to participate in the innovation, creation, transfer and sharing of *legal* content.

As you stated in your October 22nd remarks, open internet rules should not be a, "shield for copyright infringement, spam, or other violations of the law." In filings made with the FCC from parties that have been instrumental in the evolution and innovation of the internet, it is clear that our domestic companies are losing billions due to the violation of their copyrights through the illegal sharing of copyrighted materials. Clearly, if we are to preserve jobs and innovation in this sector of our economy, it is imperative that the final rule address this crisis and as the Notice of Proposed Rulemaking states, "not prohibit broadband Internet access service providers from taking reasonable action to prevent the transfer of unlawful content, such as the unlawful distribution of copyrighted works."

Certainly, as you have stated, internet users are entitled and should always be entitle to access the *lawful* content of their choice. However, if we do nothing to address the *unlawful* distribution of copyrighted materials, we will be harming our nation's content innovators and in the process potentially limiting consumers' access to new information and content.

I applaud your attention to this matter, and look forward to the adoption of a rule that will take bold steps to protect the intellectual property rights of American content innovators.

Sincerely,



Christopher S. Murphy
Member of Congress



OFFICE OF
THE CHAIRMAN

FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON

May 11, 2010

The Honorable Christopher S. Murphy
U.S. House of Representatives
412 Cannon House Office Building
Washington, D.C. 20515

Dear Congressman Murphy:

Thank you for your letter regarding the Commission's participatory public process to develop final rules to preserve an open Internet. We share a common purpose in ensuring that the Internet remains an enduring engine for innovation, investment, economic growth, and the free flow of information. You have my pledge to continue working with you and your staff in an ongoing, constructive dialogue with respect to this crucial infrastructure.

I appreciate your thoughts about a free and open Internet that supports the creation, transfer, and sharing of lawful content while permitting mechanisms that address the unlawful distribution of copyrighted materials. I firmly believe that open Internet protections and enforcement of copyright law are not mutually exclusive. To the contrary, clear rules of the road that protect the open Internet while allowing reasonable network management will provide broadband network operators increased certainty, facilitating the development of innovative approaches to a number of challenges, including online copyright infringement. Coexistence of copyright enforcement and unambiguous obligations of network openness founded on a solid legal foundation will sustain the vibrant opportunities that the Internet has created for artistic expression, content creation, and free speech.

I look forward to continuing a constructive dialogue with you on these issues. Please do not hesitate to contact me if I can be of further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Julius Genachowski", is written over a horizontal line. The signature is stylized with a large, sweeping initial "J".

Julius Genachowski